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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,703	11/03/2000	Naoki Nishimura	35.G1008-CIP/C/REI	4180

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EXAMINER

NEYZARI, ALI

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 05/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/704,703

Applicant(s)
Nishimura

Examiner
Ali Neyzari

Art Unit
2653



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-1-2001 and 12-13-2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8, 11 6) ☐ Other: _____

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Reissue Applications

The reissue oath/declaration filed with this application is defective because the error which is relied upon to support the reissue application is not an error upon which a reissue can be based. See 37 CFR 1.175(a)(1) and MPEP § 1414.

In page 6 of applicant's remark filed on 12-13-2001, applicant states that claims 4-7 have been materially narrowed by the recitation of magnetosatatic coupling, which requires elimination of exchange coupling and institution of magneto static coupling. Applicant further states that recitation of **magneto static coupling** is a different embodiment to a medium which is exchange coupling.

Therefore the following restriction is appropriate:

Election/Restriction

This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I drawn to a magneto- optical recording medium which consists of recording and readout layers and an intermediate layer for adjusting exchange coupling force, as claimed in original claims 1 and 2;

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Group II drawn to a magneto-optical recording medium (magneto statically coupled recording medium) which consists of recording and readout layers and an intermediate layer for adjusting magneto static coupling force , as claimed in new claims 3-7.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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Amendment Acknowledgment

Receipt is acknowledged of Amendment and supplemental Amendment filed 10-1-2001 and status inquiry filed 12-13-2001.

Original Patent

The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Information Disclosure Statement

The reference citations on PTO 1449 submitted 12-11-01, 7-12-2001 and 10-1-2001 are acknowledged. All the cited references have been considered. However the Japanese reference cited by applicant is considered to the extent that could be understood from the statement of relevancy and the abstract and the drawings.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (European patent No 0524745) in view of Ohta et al (US 5,241,520)(both cited by applicant).

Takahashi et al disclose a magneto-optical recording medium which consists of a first magnetic layer wherein in-plane magnetization at room temperature range changes to perpendicular magnetization and change to an in-plane magnetization at higher temperature range, a second and a third magnetic layers having perpendicular magnetization.

Takahashi et al disclose the claimed invention except for the intermediate layer of Takahashi et al is not a magneto static coupling layer.

Ohta et al disclose a magneto-optical recording medium which consists of a readout layer (300) a recording layer (500) and an intermediate layer (400) which has magneto statically coupled (col. 10, lines 9-10, and Fig 10A).

It would have been obvious to one of ordinary skill in the art to use a magneto static coupling layer as the intermediate layer of Takahashi et al as taught by Ohta et al in order to have a magneto statically coupled recording medium instead of an exchange coupled recording medium.

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Allowable Subject Matter

The original claims 1 and 2 are allowed.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ALI NEYZARI** whose telephone number is **703-308-4906**. The examiner can normally be reached on **MONDAY-THURSDAY** from **7:00 AM** to **5:30 PM**.

The Fax number for TC 2600 is **703-872-9314**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is **703-305-4700**.

Ali Neyzari
Primary Patent Examiner
Art Unit 2653
5-21-2002


ALI NEYZARI
PRIMARY EXAMINER